

04/11/01
USDC/MA
Woodlock, D.

United States Court of Appeals For the First Circuit

No. 05-1317

MANDATE

EDWARD FIELDING,
Plaintiff, Appellant,

v.

MASSACHUSETTS JUDICIARY,
Defendant, Appellee.

Before

Boudin, Chief Judge,
Torruella and Howard, Circuit Judges.

JUDGMENT

Entered: December 2, 2005

Edward Fielding, a pro se Massachusetts state prisoner, appeals from the district court's dismissal of his complaint for failure to state a claim and lack of subject matter jurisdiction.

After careful review of the record and the parties' filings, we agree with the district court that the Massachusetts Judiciary, the named defendant, is immune from suit under the Eleventh Amendment, Kentucky v. Graham, 473 U.S. 159, 167, n.14 (1985) (citation omitted) ("... a State cannot be sued directly in its own name regardless of the relief sought."), and that the Rooker-Feldman doctrine bars this action. Hill v. Town of Conway, 193 F.3d 33, 34 (1st Cir. 1999) (citing Wang v. New Hampshire Bd. of Reg., 55 F.3d 698, 703 (1st Cir. 1995)) ("...lower federal courts are without subject matter jurisdiction to sit in direct review of state court decisions."). To the extent that Mr. Fielding seeks to pursue claims against individual Massachusetts state court judges, those claims are barred by the doctrine of absolute judicial immunity. Mireles v. Waco, 502 U.S. 9, 11 (1991) (per curium); Brown v. Newberger, 291 F.3d 89, 94 (1st Cir. 2002).

Accordingly, the district court's dismissal of this action for failure to state a claim and lack of subject matter jurisdiction is affirmed.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk

George Khotos
Deputy Clerk

Date: 3/29/06

By the Court:

Richard Cushing Donovan, Clerk.

JULIE GREGG

By: _____
Operations Manager.

[cc: Edward Fielding, Annette C. Benedetto, AAG]